

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number 3.23	Total Pages 5
	Date Filed September 11, 2009	Effective Date September 11, 2009
Authority/References CPP 8.6, 9.6, and 15.2 KRS 196.035	Subject INTERNAL AFFAIRS INVESTIGATIONS	

I. DEFINITIONS

“Internal Affairs Officer” means a staff member designated by the Warden and at the direction of the Warden conducts and directs a variety of investigations in a correctional institution that may involve violations of institutional or departmental rules, regulations, policies, or violations of law on the part of inmates, staff, visitors, contractors and volunteers.

“Internal Affairs Supervisor” means a central office staff member designated by the Commissioner to conduct and direct investigations as assigned by the Commissioner.

“Investigation” means a systematic inquiry to determine facts.

“Misconduct” means violation of federal, state or local law or Department and institutional policies and procedures.

II. POLICY AND PROCEDURES

A. It is the policy of the Kentucky Department of Corrections to conduct all investigations in a fair and impartial manner while complying with ethical standards of conduct and local, state, and federal law.

B. In institutions with over 500 inmates, there shall be a full time Internal Affairs Officer (IAO) designated by the Warden. The IAO will report directly to the Warden.

1. The IAO position will be equivalent to the rank of Administrative Specialist III, Lieutenant or above, and possess at least three (3) years of institutional or law enforcement experience.

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2. The IAO shall ideally possess investigative, report writing and technical skills along with knowledge of Department of Corrections policy and procedure.

C. In small institutions, IAO duties shall be on a part time or as needed basis.

D. Only the Commissioner, Warden, Deputy Commissioner, or Director of Probation and Parole shall initiate an Internal Affairs Investigation.

1. During an Internal Affairs Investigation every staff member, inmate, contractor or volunteer shall treat a request from the IAO as an order from the Commissioner.
2. Internal Affairs shall have the authority to interview any staff member, inmate, contractor or volunteer and review institutional records and reports relevant to any assigned investigation.

E. The Commissioner of the Department of Corrections shall employ an Internal Affairs Supervisor (IAS) who shall:

1. Conduct or supervise all investigations in the Division of Probation and Parole.
2. Conduct all investigations in support divisions of the Department of Corrections.
3. Consult on or conduct investigations in institutions as assigned by the Commissioner.

F. General duties for Internal Affairs include:

1. Assign each investigation a case number that begins with the institution or office abbreviation, the year, and the sequential number of that investigation, for example "KSR 09-001".
2. Conducting investigations to include but not limited to:
 - a. Investigative interviews;
 - b. Gathering and maintaining physical evidence;
 - c. Collecting pertinent information;
 - d. Compiling and maintaining an investigative file;

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- e. Providing courtroom testimony;
- f. Monitoring the inmate phone system;
- g. Conducting staff training relative to drug urinalysis, preservation of evidence, and crime scene preservation;
- h. Serving as liaison for law enforcement, prosecutors, and Department of Personnel;
- h. Other duties as assigned by the Warden or Commissioner;

G. Reporting of Violations of Policy, Procedure, or Law

- 1. All staff, volunteers and contractors shall report violations of policy, procedures, and law. Failure to report such violations shall result in disciplinary action for staff and restriction from department grounds for volunteers and contractors. Criminal prosecution may result in some cases.
- 2. Reportable violations shall include those events occurring on or off duty.
- 3. In the institution violations shall be reported immediately to the Shift Supervisor.
- 4. Probation and Parole violations shall be reported within 24 hours to the Director of Probation and Parole.
 - a. This shall not relieve the reporter of the duty to immediately notify appropriate personnel of a critical incident as defined by CPP 27-08-01.
 - b. The Director of Probation and Parole shall direct the IAS or other designated staff to begin an investigation within two working days of notification.
 - c. All necessary statements shall be obtained by the fifth working day following the incident.

- H. Internal Affairs investigations shall be afforded the highest degree of confidentiality and all persons involved in an investigation shall not discuss any aspect of an investigation with any person not authorized to receive such information.

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- I. All reports, documents, evidence, other material or information relevant to any Internal Affairs investigation shall be processed and stored in a manner best suited to prevent unauthorized access, as prescribed by the Director of Operations.
- J. A formal case file shall be developed and maintained in all cases where criminal charges and significant employee disciplinary action appears imminent.
 1. Case files shall be organized and in a standard format.
 2. The case file shall contain:
 - a. Subject name and identifying information
 - b. Nature of investigation
 - c. Date and time investigation assigned
 - d. Details of incident to include parties involved, incident description, location, and date and time
 - e. Photos, reports, interrogation and interviews, written statements
 - f. Physical evidence and its disposition
 - g. Additional support documentation
- K. Minimum standards for the collection, preservation and disposition of physical evidence in the institution shall be in accordance with Kentucky State Police Forensic Laboratory Standards.
- L. Following the completion of an investigation, a written report shall be prepared by the IAO or IAS. All internal affairs reports must meet the minimum standards of being complete, concise, clear and correct. In all cases where criminal prosecution or significant disciplinary action appears imminent, the final report shall be formatted as follows:
 1. Background; concisely presents a chronological summary of the incident and the investigation with a summary of statements.
 2. Report summary; presents a numerical and chronological summary of the findings of fact.

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3. Exhibits; Includes all reports, statements, photos, etc. that are pertinent to the investigation.
 4. The final report is to be submitted to the Warden or Director of Probation and Parole and the IAS.
- M. Each IAO shall submit a monthly report to the Warden and Deputy Commissioner of Adult Institutions prior to the fifth day of each month that includes:
1. A summary of active investigations;
 2. A summary of completed investigations;
 3. The number of inmate telephone calls monitored;
 4. Urinalysis testing results;
 5. Dangerous contraband recovered;
 6. The number of inmate's whose mail is being monitored and the number of pieces of mail monitored;
 7. Listing of inmates monitored during visitation;